



BILLING CODE: 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-552-802]

Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Preliminary Results of Antidumping Duty Administrative Review, 2011-2012

AGENCY: Import Administration, International Trade Administration, Department of Commerce

SUMMARY: In response to requests from interested parties, the Department of Commerce (“Department”) is conducting the administrative review of the antidumping duty order on certain frozen warmwater shrimp from the Socialist Republic of Vietnam (“Vietnam”) for the period of review (“POR”) February 1, 2011, through January 31, 2012. The Department has preliminarily determined that sales by the Minh Phu Group,¹ and Nha Trang Seafoods,² the two mandatory respondents, and Quoc Viet,³ the voluntary respondent, have not been made below normal value (“NV”). Additionally, the Department has preliminarily determined not to revoke the order in part, with respect to Nha Trang Seafoods.⁴

EFFECTIVE DATE: [Insert date of publication in the Federal Register].

FOR FURTHER INFORMATION CONTACT: Bob Palmer, Irene Gorelik, and Alan Ray,
AD/CVD Operations, Office 9, Import Administration, International Trade Administration,

¹ Minh Phu Seafood Corporation, Minh Qui Seafood Co., Ltd., Minh Phat Seafood Co., Ltd. (collectively, the “Minh Phu Group”).

² Nha Trang Seaproduct Company and its affiliates, NT Seafoods Corporation, Nhatrang Seafoods-F.89 Joint Stock Company, and NTSF Seafoods Joint Stock Company (collectively, the “Nha Trang Seafoods”).

³ Quoc Viet Seaproducts Processing Trading and Import-Export Co., Ltd. (“Quoc Viet”).

⁴ See “Decision Memorandum for Preliminary Results for the Antidumping Duty Administrative Review of Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam,” (“Preliminary Decision Memorandum”) from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Paul Piquado, Assistant Secretary for Import Administration, dated concurrently with these results at 5.

Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-9068, (202) 482-6905, and (202) 482-5403, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise subject to the order is certain frozen warmwater shrimp. The product is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) item numbers: 0306.17.00.03, 0306.17.00.06, 0306.17.00.09, 0306.17.00.12, 0306.17.00.15, 0306.17.00.18, 0306.17.00.21, 0306.17.00.24, 0306.17.00.27, 0306.17.00.40, 1605.21.10.30, and 1605.29.10.10.⁵ Although the HTSUS numbers are provided for convenience and for customs purposes, the written product description, available in Certain Frozen Warmwater Shrimp From Brazil, India, the People's Republic of China, Thailand, and the Socialist Republic of Vietnam: Amended Antidumping Duty Orders in Accordance with Final Court Decision, 76 FR 23277 (April 26, 2011), remains dispositive.

Methodology

The Department has conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended ("the Act"). Constructed export prices and export prices have been calculated in accordance with section 772 of the Act. Because Vietnam is a nonmarket economy within the meaning of section 771(18) of the Act, normal value has been calculated in accordance with section 773(c). Specifically, the mandatory and voluntary respondent's factors of production have been valued with prices from Indonesia, which is economically comparable to Vietnam and is a significant producer of comparable merchandise.

For a full description of the methodology underlying our conclusions, please see Preliminary Decision Memorandum, dated concurrently with these results and hereby adopted by

⁵ See Preliminary Decision Memorandum for a complete description of the scope of the order.

this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System ("IA ACCESS"). IA ACCESS is available to registered users at <http://iaaccess.trade.gov> and in the Central Records Unit ("CRU"), room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at <http://www.trade.gov/ia/>. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Intent Not To Revoke Order In Part

We preliminarily determine⁶ not to revoke in part the order with respect to Nha Trang Seafoods, under section 751 of the Act, because we preliminarily find that Nha Trang Seafoods has not satisfied the requirements of 19 CFR 351.222(b).⁷

Verification

As provided in sections 782(i)(3)(A)-(B) of the Act, we intend to verify the information upon which we will rely in determining our final results of review with respect to the Minh Phu Group.

⁶ See Preliminary Decision Memorandum.

⁷ The Department recently modified the section of its regulations concerning the revocation of antidumping and countervailing duty orders in whole or in part, but that modification does not apply to this administrative review. See Modification to Regulation Concerning the Revocation of Antidumping and Countervailing Duty Orders, 77 FR 29875 (May 21, 2012). Reference to 19 CFR 351.222(b) thus refers to the Department's regulations prior to the modification.

Preliminary Results of Review

The Department preliminarily determines that the following weighted-average dumping margins exist:

Exporter	Simple Average Margin
Minh Phu Group: ⁸ Minh Phu Seafood Corp., aka Minh Phu Seafood Corporation, aka Minh Phu Seafood Pte, aka Minh Phu Hau Giang Seafood Co., Ltd., aka Minh Phat Seafood Co., Ltd., aka Minh Qui Seafood Co., Ltd., aka Minh Qui Seafood	0.00%
Nha Trang Seafoods: ⁹ Nha Trang Seaproducts Company, aka Nha Trang Seafoods, aka NT Seafoods Corporation, aka NT Seafoods, aka Nha Trang Seafoods – F.89 Joint Stock Company, aka Nha Trang Seafoods – F.89, aka NTSF Seafoods Joint Stock Company, aka NTSF Seafoods	0.00%
Quoc Viet Seaproducts Processing Trading and Import-Export Co., Ltd. ¹⁰	0.00%

⁸ In AR6 VN Shrimp, the Department found the companies comprising the Minh Phu Group are a single entity and, because there have been no changes to this determination since the sixth administrative review; we continue to find these companies to be part of a single entity. Therefore, we will assign this rate to the companies in the single entity. See Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Preliminary Results of Administrative Review, 77 FR 13547, 13549 (March 7, 2012), unchanged in Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Final Results and Final Partial Rescission of Antidumping Duty Administrative Review, 77 FR 55800 (September 11, 2012) (“AR6 VN Shrimp”).

⁹ In AR5 VN Shrimp, the Department found the companies comprising Nha Trang Seafoods are a single entity and, because there have been no changes to this determination since the fifth administrative review; we continue to find these companies to be part of a single entity. Therefore, we will assign this rate to the companies in the single entity. See Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Preliminary Results, Partial Rescission, and Request for Revocation, In Part, of the Fifth Administrative Review, 76 FR 12054, 12056 (March 4, 2012), unchanged in Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Final Results and Final Partial Rescission of Antidumping Duty Administrative Review, 76 FR 56158 (September 12, 2011) (“AR5 VN Shrimp”).

¹⁰ The Department selected Quoc Viet Seaproducts Processing Trading and Import-Export Co., Ltd. as a voluntary respondent in this review. See Preliminary Decision Memorandum, at 3.

Bac Lieu Fisheries Joint Stock Company, aka Bac Lieu Fisheries Company Limited, aka Bac Lieu Fisheries Co., Ltd., aka Bac Lieu Fisheries Limited Company, aka Bac Lieu Fis	0.00%
BIM Seafood Joint Stock Company	0.00%
Camau Frozen Seafood Processing Import Export Corporation, aka Camimex, aka Camau Seafood Factory No. 4, aka Camau Seafood Factory No. 5, aka Camau Frozen Seafood Processing Import Export Corp. (CAMIMEX-FAC 25), aka Frozen Factory No. 4	0.00%
C.P. Vietnam Corporation, aka C.P. Vietnam Livestock Corporation, aka C.P. Vietnam Livestock Company Limited, aka C.P. Vietnam Livestock Co., Ltd., aka C.P. Vietnam	0.00%
Cadovimex Seafood Import-Export and Processing Joint Stock Company, aka Cai Doi Vam Seafood Import-Export Company, aka Caidoivam Seafood Company, aka Cadovimex-Vietnam, aka Cadovimex	0.00%
Cafatex Fishery Joint Stock Corporation, aka Cafatex Corporation, aka Cafatex Corp., aka Cafatex, aka Cantho Animal Fisheries Product Processing Export Enterprise (Cafatex), aka Cafatex, aka Taydo Seafood Enterprise, aka Xi Nghiep Che Bien Thuy Suc San Xuat Kau Cantho	0.00%
Can Tho Import Export Fishery Limited Company, aka CAFISH	0.00%
Coastal Fisheries Development Corporation, aka COFIDEC, aka Coastal Fisheries Development Corp., aka Coastal Fisheries Development Co. aka Coastal Fisheries Development	0.00%

Cuu Long Seaproducts Company, aka Cuu Long Seaproducts Limited, aka Cuulong Seapro aka Cuu Long Seapro	0.00%
Danang Seaproducts Import Export Corporation, aka Danang Sea Products Import Export Corporation, aka Danang Seaproduct Import-Export Corporation, aka Danang Seaproducts Import Export, aka Tho Quang Seafood Processing & Export Company, aka Tho Quang Seafood Processing and Export Company, aka Tho Quang, aka Tho Quang Co., aka Seaprodex Danang	0.00%
Viet I-Mei Frozen Foods Co., Ltd., aka Grobest & I-Mei Industrial (Vietnam) Co., Ltd., aka Grobest & I-Mei Industry (Vietnam) Co., Ltd., aka Grobest	0.00%
Gallant Ocean (Vietnam) Co., Ltd., aka Gallant Ocean (Quang Ngai) Co., Ltd.	0.00%
Investment Commerce Fisheries Corporation, aka Investment Commerce Fisheries Corp., aka Investment Commerce Fisheries, aka Incomfish, aka Incomfish Corp., aka Incomfish Corporation	0.00%
Kim Anh Company Limited, aka Kim Anh Co, Ltd.	0.00%
Minh Hai Export Frozen Seafood Processing Joint-Stock Company, aka Minh Hai Jostoco, aka Minh Hai Export Frozen Seafood Processing Joint Stock Company, aka Minh Hai Export Frozen Seafood Processing Joint-Stock Co., aka Minh-Hai Export Frozen Seafood Processing Joint-Stock Company	0.00%

Minh Hai Joint-Stock Seafoods Processing Company, aka Seaprodex Minh Hai, aka Sea Minh Hai, aka Seaprodex Min Hai, aka Seaprodex Minh Hai-Factory No. 78, aka Seaprodex Minh Hai (Minh Hai Joint Stock Seafoods Processing Co.), aka Seaprodex Minh Hai (Workshop 1), aka Seaprodex Minh Hai Factory No. 69	0.00%
Minh Hai Sea Products Import Export Company, aka Ca Mau Seafood Joint Stock Company, aka Seaprimexco Vietnam aka Seaprimexco aka Minh Hai Seaproducts Co Ltd.	0.00%
Ngoc Sinh Private Enterprise, aka Ngoc Sinh Private Enterprises, aka Ngoc Sinh Seafoods, aka Ngoc Sinh Seafoods Processing and Trading Enterprises, aka Ngoc Sinh Seafood Processing Company, aka Ngoc Sinh Seafoods (Private Enterprise), aka Ngoc Sinh Fisheries, aka Ngoc Sinh	0.00%
Ngoc Tri Seafood Joint Stock Company	0.00%
Nhat Duc Co., Ltd., aka Nhat Duc	0.00%
Nha Trang Fisheries Joint Stock Company, aka Nha Trang Fisco aka Nhatrang Fisheries Joint Stock Company, aka Nhatrang Fisco, aka Nha Trang Fisheries, Joint Stock	0.00%
Phu Cuong Jostoco Seafood Corporation, aka Phu Cuong Seafood Processing and Import-Export Co., Ltd., aka Phu Cuong Seafood Processing and Import Export Company Limited, aka Phu Cuong Jostoco Seafood Corp.	0.00%
Phuong Nam Foodstuff Corp. aka Phuong Nam, aka Phuong Nam Co., Ltd., aka Western Seafood Processing and Exporting Factory, aka Western Seafood	0.00%

Sao Ta Foods Joint Stock Company, aka Fimex VN aka Sao Ta Seafood Factory aka Saota Seafood Factory	0.00%
Seavina Joint Stock Company, aka Seavina	0.00%
Soc Trang Seafood Joint Stock Company, aka Stapimex, aka Soc Trang Aquatic Products and General Import Export Company, aka Stapimex Soc Trans Aquatic Products and General Import Export Company, aka Stapmex	0.00%
Thuan Phuoc Seafoods and Trading Corporation, aka Thuan Phuoc Corp., aka Frozen Seafoods Factory No. 32, aka Seafoods and Foodstuff Factory, aka Seafoods and Foodstuff Factory Vietnam, aka My Son Seafoods Factory	0.00%
UTXI Aquatic Products Processing Corporation, aka UT XI Aquatic Products Processing Corporation, aka UTXI Aquatic Products Processing Company, aka UT XI Aquatic Products Processing Company, aka UTXI Co. Ltd., aka UTXI, aka Hoang Phuong Seafood Factory, aka Hoang Phong Seafood Factory, aka UTXICO	0.00%
Viet Foods Co., Ltd., aka Nam Hai Foodstuff and Export Company Ltd.	0.00%
Viet Hai Seafood Co., Ltd., aka Vietnam Fish One Co., Ltd., aka Fish One	0.00%
Vietnam-wide Entity	25.76%

Disclosure and Public Comment

The Department will disclose the calculations used in our analysis to parties in this review within five days of the date of publication of this notice. Interested parties, who wish to

request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, filed electronically using IA ACCESS. An electronically filed document must be received successfully in its entirety in IA ACCESS, by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.¹¹ Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, the Department will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and location to be determined. Parties should confirm by telephone the date, time, and location of the hearing. Interested parties are invited to comment on the preliminary results of this review.

Because, as noted above, the Department intends to verify the information upon which we will rely in making our final determination with respect to the Minh Phu Group, the Department will establish the briefing schedule at a later time, and will notify parties of the schedule in accordance with 19 CFR 351.309. Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument: 1) a statement of the issue; 2) a brief summary of the argument; and 3) a table of authorities.¹²

The Department intends to issue the final results of this administrative review, including the results of our analysis of issues raised in the written comments, within 120 days of publication of these preliminary results in the Federal Register.

¹¹ See 19 CFR 351.310(c).

¹² See 19 CFR 351.309(c) and (d).

Assessment Rates

Upon issuance of the final results, the Department will determine, and U.S. Customs and Border Protection (“CBP”) shall assess, antidumping duties on all appropriate entries covered by this review.¹³ The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review. For any individually examined respondent whose weighted average dumping margin is above de minimis (i.e., 0.50 percent) in the final results of this review, the Department will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer’s examined sales and the total entered value of sales, in accordance with 19 CFR 351.212(b)(1). In these preliminary results, the Department applied the assessment rate calculation method adopted in Final Modification for Reviews, i.e., on the basis of monthly average-to-average comparisons using only the transactions associated with that importer with offsets being provided for non-dumped comparisons. Where an importer- (or customer-) specific ad valorem rate is greater than de minimis, the Department will instruct CBP to collect the appropriate duties at the time of liquidation.¹⁴ Where an importer- (or customer-) specific ad valorem is zero or de minimis, the Department will instruct CBP to liquidate appropriate entries without regard to antidumping duties.¹⁵

Additionally, pursuant to a recently announced refinement to its assessment practice in NME cases, if the Department continues to determine that an exporter under review had no

¹³ See 19 CFR 351.212(b).

¹⁴ See 19 CFR 351.212(b)(1).

¹⁵ See 19 CFR 351.106(c)(2).

shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (i.e., at that exporter's rate) will be liquidated at the PRC-wide rate.¹⁶

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from Vietnam entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For the companies listed above, which have a separate rate, the cash deposit rate will be that established in the final results of this review (except, if the rate is zero or de minimis, then zero cash deposit will be required); (2) for previously investigated or reviewed Vietnam and non-Vietnam exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all Vietnam exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the Vietnam -wide entity; and (4) for all non-Vietnam exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Vietnam exporter that supplied that non-Vietnam exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply

¹⁶ For a full discussion of this practice, see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties, 76 FR 65694 (October 24, 2011).

with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Paul Piquado
Assistant Secretary
for Import Administration

March 4, 2013

Date

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum:

1. Background
2. Respondent Selection
3. Scope of the Order
4. Request for Revocation, In Part
5. Preliminary Determination of No Shipments
6. Non-Market Economy Country
7. Separate Rates
8. Separate Rate Calculation
9. Vietnam-Wide Entity
10. Surrogate Country and Surrogate Value Data
11. Surrogate Country
12. Economic Comparability
13. Significant Producers of Comparable Merchandise
14. Data Availability
15. Date of Sale
16. Fair Value Comparisons
17. Targeted Dumping
18. Results of Targeted Dumping Analysis
19. U.S. Price
20. Factor Valuations
21. Currency Conversion

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